

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

21-cv-03496-AMO Surgical Instrument Service Company, Inc. v. Intuitive Surgical, Inc.

TRIAL SHEET, EXHIBIT and WITNESS LIST

| JUDGE: | PLAINTIFF ATTORNEY: | DEFENSE ATTORNEY: |
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| Araceli Martínez-Olguín | Richard McCaulley, Joshua Van Hoven, and Anthony E. Dowell | Kenneth Gallo, Paul Brachman, William Michael, and Crystal Lohmann Parker |
| TRIAL DATE: January 14, 2025 | REPORTERS: Ruth Levine Ekhaus | CLERK: Alexis Solorzano Rodriguez |

| EXHIBIT NO. | TIME OFFERED | ID | DESCRIPTION |
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| | 8:07 AM | | Court called into session. Exhibit objections pertaining to Dr. Lamb's testimony discussed. Parties to submit deposition designations and exhibit objections for Tuesday, 1/21 due by Friday, 1/17 at 9:00 AM PST. |
| | 8:29 AM | | Court in recess. |
| | 8:36 AM | | Court back in session. Jury brought into courtroom. Dr. Toby Kim Parnell called back to the stand. Defense counsel, Crystal Lohmann Parker, continued cross-examination of Dr. Toby Kim Parnell. |
| 818 | 9:06 AM | 01/08/2015 - Document - Rebotix "Design Development Plan "Endowrist" DPPR1001 (DCN. 2014-009 Rev. C)" | Admitted and published to the jury. |
| | 9:15 AM | | Plaintiff's counsel, Joshua Van Hoven, began re-direct examination of Dr. Toby Kim Parnell. |
| | 9:16 AM | | Jury excused for break. |
| | 9:22 AM | | Jury brought back into courtroom. Plaintiff's counsel, Joshua Van Hoven, began re-direct examination of Dr. Toby Kim Parnell. |
| | 9:25 AM | | Dr. Toby Kim Parnell excused from the witness stand. |
| | 9:26 AM | | Plaintiff's counsel presented video deposition of Grant Duque. |
| | 10:06 AM | | Jury excused for break. |

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| | 10:09 AM | | Court in recess. |
| | 10:23 AM | | Court back in session. Plaintiff moved to admit Exhibit Nos. 541, 670, and 671 which were presented to the jury during the video deposition of Grant Duque. |
| 541 | 10:23 AM | 03/03/2014 Document - Intuitive "IS4000 Basic Instruments Worst Case Instrument Identification and Rationale (Attachment 1 to Doc. No. 861445-02T Rev. E)" | Admitted and published to jury during video deposition of Grant Duque. |
| 670 | 10:23 AM | 05/24/2011 - Email - Subject: RE: RFID Tag | Admitted and published to jury during video deposition of Grant Duque. |
| 671 | 10:23 AM | 05/25/2011 - Email - Subject: RE RFID Meeting Action Items | Admitted and published to jury during video deposition of Grant Duque. |
| | 10:26 AM | | Witness Dr. Russell Lamb called to the stand and sworn in. Plaintiff's counsel, Richard McCaulley, began direct examination. |
| 471 | 10:39 AM | 04/02/2019 Email from S. Sathyamurthy to A. Yiu et al. re Throughs on Intelligent Surgery Campaign | Admitted and published to the jury. |
| 464 | 10:40 AM | 08/31/2018 Business Alignment Meeting Presentation | Admitted and published to the jury. |
| 489 | 10:49 AM | 11/26/2019 Email RE: Marin General - reprocessing Si instruments | Admitted and published to the jury. |
| 509 | 10:54 AM | 09/14/2019 - Email - Subject: "FW da Vinci EndoWrist Savings Opportunity (MS4788 - Surgical Instrument Repair" at UF Shands | Admitted and published to the jury. |
| 512 | 11:09 AM | 02/15/2018 E-mail from Joseph Fridlin RE: Competition Questions for Hospitals | Admitted and published to the jury. |

TRIAL SHEET, EXHIBIT and WITNESS LIST CONTINUED

| EXHIBIT NO. | TIME OFFERED | ID | DESCRIPTION |
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| 493 | 11:19 AM | 08/15/2019 - Document - Sales, License, and Service Agreement between Intuitive Surgical and Conway Regional Medical Center, Inc. d/b/a Conway Regional Health System | Admitted and published to the jury. |
| | 11:37 AM | | Jury excused for lunch break. |
| | 11:40 AM | | Court in recess for lunch break. |
| | 12:12 PM | | Court back in session. Discussion regarding Juror #5's absence from yesterday held. Plaintiff objected to Juror #5 continued service following her absence from trial on 1/13 and her return on 1/14. |
| | 12:18 PM | | Court in recess. |
| | 12:31 PM | | Court back in session. Plaintiff withdrew the objection to Juror #5's continuance. Following further conversation, Plaintiff withdrew the objection to Juror #5's continued service. The Court will provide Juror #5 the transcript from 1/13/2025 with redactions of anything not properly in front of the jury. Defendant to redact transcript and clean clip report to be provided to Juror #5 for her to take for review on Thursday, 1/16. |
| | 12:40 PM | | Jury brought back into courtroom. Plaintiff's counsel, Richard McCaulley, continued direct examination of Dr. Russell Lamb. |
| 507-R | 12:45 PM | 06/28/2019 - Email - Intuitive internal correspondence regarding Evergreen Hospital "re-chipping" EndoWrists | Admitted and published to the jury. |
| | 12:56 PM | | Sidebar. |
| | 12:57 PM | | Sidebar concluded. |

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| | 12:58 PM | | Jury excused for break. Court in recess. |
| | 1:06 PM | | Court back in session. Jury brought into the courtroom. Defendant's counsel, William Michael, began cross-examination of Dr. Russell Lamb. |
| 524-R | 1:42 PM | 05/22/2017 "Unauthorized Instrument Reprogramming Overview" | Admitted and published to the jury. |
| | 1:47 PM | | Jury excused for break. Court in recess. |
| | 1:54 PM | | Court back in session. Defendant requested an admonition be given to Dr. Lamb regarding not mentioning any previous litigation per prior Court ruling. |
| | 1:59 PM | | Jury brought back into courtroom. |
| | 2:00 PM | | Defendant's counsel, William Michael, continued cross-examination of Dr. Russell Lamb. |
| | 2:05 PM | | Portion of Dr. Russell Lamb's video deposition played by Defendant. |
| | 2:16 PM | | Sidebar. |
| | 2:17 PM | | Sidebar concluded. |
| | 2:30 PM | | Dr. Russell Lamb excused from the stand for the day. Jury excused of the day. |
| | 2:31 PM | | Court in recess. |
| | 2:35 PM | | Court back in session. Continued discussion regarding Juror #5 held. Counsel to confer regarding remedy for testimony of Dr. Lamb. Timekeeping and Thursday schedule logistics discussed. |
| | 2:43 PM | | Court adjourned for the day. |